

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicants respectfully submit that the claimed invention is allowable over the cited references.

Claims 1, 9, 10, 14, 18, and 23-25 are objected to for several informalities. Applicants have amended the claims in accordance with the Examiner's suggestions.

Claims 1, 3-5, 7-9, 13, and 21-25 are rejected under 35 U.S.C. Section 112, Second Paragraph. Applicants have amended the claims accordingly.

Claims 1, 3, 5, 7-10, 13-14, 16-20, and 24-25 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dent (US Patent No. 6,044,485) ("Dent '485"). The Examiner states that "Dent '485 differs from the claimed invention in that Dent '485 doesn't teach the claimed subject matter 'wherein said first decoding method is RTZ and the second decoding method is Miller'. However, Dent '485 explicitly indicates that any of the known coding techniques may be advantageously employed in the present invention (Col. 1, lines 40-41) and each of them has its advantage and disadvantage relative to the application (Col. 3, lines 13-17). Therefore, a person of ordinary skill in the art at the time of the invention would have realized that the particular 'decoding method' is design specific depending on the particular application." (See Office Action, page 4).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dent '485 in view of US Patent No. 6,735,735 to Ohira et al. The Examiner states that Dent '485 does not teach "wherein the encoded data signal...to decode the encoded data signal". The Examiner states that Ohira et al. disclose a "transmission method in which the encoder adds an identifier to the signal so that the decoder can determine whether execution of the decoding process to be done or not based on such identifier (Abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the same concept as taught by Ohira et al. in Dent '485 so that the decoder would have the knowledge of which decoding method is to be used, thus the system can be executed faster."

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent '485. The Examiner states that " wherein ...processing means" would have been "optional" to one skilled in the art based upon available resources and design particular.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent '485 in view of U.S. Patent No. 5,230,003 to Dent ("Dent '003"). Although Dent '003 is incorporated by reference into Dent '485, it is still a separate embodiment and, therefore, it is improper to treat it as an anticipation rejection. (See M.P.E.P. Section 2131, under 25 U.S.C. Section 102, "[t]he elements must be arranged as required by the claim, but this is not an ipsissimis verbit test, i.e. identity of terminology is not required." In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Therefore, in performing an element-by-element anticipation analysis, In re Bond requires that the elements of the claim be "arranged" in the same manner in the cited reference. Therefore, Applicants respectfully submit that an obviousness analysis is the proper one to be used here.

Independent claims 1 and 10 disclose the following limitations: "a power supply capable of generating an operating voltage from the modulated carrier signal" and "data processing means ...powered by the power supply". Support for this addition to the claim may be found in the specification on column 7, lines 19-24. Dent '485 does not teach or disclose these limitations.

Independent claim 1 further recites: "wherein said first decoding method is Manchester (MA) and the second decoding method is Miller". Support for these additions to the claim may be found in column 6, lines 10-22 and Figures 2 and 4. Dent '485 does not teach or suggest these limitations.

Independent claims 1 and 32 further recite "said encoded data signal including decoding instruction information" and "wherein said decoding means further includes a decision stage capable of determining based on said decoding instruction information which of the first and second decoding stages is suitable to decode the encoded data signal". Support for these additions to the claim is found in column 12, lines 20-33 and column 13, lines 1-9. Dent et al. disclose that a code switch 108 makes the coding selection based on the characteristics of the channel (col. 3, lines 42-50) and not on the information contained in the signal. As acknowledged by the Examiner in the rejection of claim 4 in the Office Action, Dent '485 does

not disclose an encoded data signal which includes decoding stage instruction information. Further the Examiner cites Ohira et al. as prior art. However, Ohira et al. has a priority date of July 12, 1999, and Applicants have a priority date of January 26, 1999. Ohira et al. is not a reference that may be properly cited against the Applicants. Therefore, it is respectfully submitted that these limitations are not taught or suggested by the prior art of record.

Independent claim 10 further recites: "wherein said first decoding method is No-Return-To-Zero (NRZ) and second method is Miller". Support for these limitations may be found in column 3, lines 1-5. These limitations are neither taught nor suggested by the prior art of record.

Independent claim 14 discloses "generating an operating voltage from a power supply which receives power from the modulated carrier signal" and "wherein the first decoding method is Manchester (MA) and the second decoding method is Miller". Independent claim 30 discloses "generating an operating voltage from a power supply which receives power from the modulated carrier signal" and "wherein the first decoding method is No-Return-To-Zero (NRZ) and the second decoding method is Miller". As discussed above, these limitations are not taught or suggested by the prior art of record.

Independent claims 21 and 23 disclose "first decoding stage being arranged to decode said data signal in conformity with a first decoding method while simultaneously the second decoding stage is arranged to decode said data signal in conformity with a second decoding method". Independent claim 22 discloses a "first decoding stage being arranged to decode said data signal in conformity with a first decoding method while in parallel the second decoding stage is arranged to decode said data signal in conformity with a second decoding method". The Examiner acknowledges that the "parallel" and/or "simultaneously" limitations are not taught by Dent '485. The Examiner states that "Dent '485, in a prior reference (Col. 5, lines 19-21), teaches a configuration in which parallel decoders 'simultaneously' decoding the signal, then determine which decoding is suitable ...Therefore, it would have been optional to one skilled in the art at the time of the invention to either 'simultaneously' decoding the signal then determine the suitable decoding to be used or to determine which decoding method is suitable and then utilize such decoding method." As discussed above, it is respectfully submitted that this is an

obviousness rejection instead of an anticipation rejection and an obviousness analysis should be performed by the Examiner. Section 2142 of the M.P.E.P. states the following:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that it would not have been obvious to modify Dent '485 with Dent '003 to meet the "parallel" or "simultaneously" limitations present in claims 21 and 23. Dent '485 controls switches 206 and 212 based on the quality of the transmission channel and adjusts each of the switches accordingly depending on the nature of the channel. To modify Dent '485 to conduct parallel decoding would be to change the principle of operation of the primary reference. (M.P.E.P. 2143.02 states "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious *In re Ratti*, 270 F. 2d 810, 123 USPQ 349 (CCPA 1959). Therefore, it is respectfully submitted that claims 21, 22 and 23 are allowable over the prior art of record.

Claim 24 discloses "a power supply capable of generating an operating voltage" and "determined first or second decoding stage is used for processing the remainder of the encoded data signal". These limitations are not taught or suggested by the prior art of record.

Claim 26 is dependent on claim 10 and further recites "wherein said encoded data signal has a structure that ensures that time intervals with high amplitude value of the modulated carrier signal are substantially at least as long as time intervals with low amplitude value of the modulated carrier signal." Support for this limitation may be found in column 6, line 33 to page 7, line 4. Applicants respectfully submit that this limitation is not taught or suggested by the prior art of record.

Applicants respectfully submit that claims 1, 3-5, 7-10, 13-14, and 16-33 are allowable over the cited references. Allowance is therefore respectfully requested.

Please charge any fees which may be required, except the issue fee, or credit any overpayment to Deposit Account No. 14-1270.

Extension of Time Statement

The Commissioner is hereby requested and authorized pursuant to 37 CFR §1.136(a)(3), to treat any concurrent or future reply in this application requiring a petition for extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. Please charge any additional fees which may now or in the future be required in this application, including extension of time fees, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 14-1270.

Respectfully submitted,

Date: October 26, 2004

By



Christopher J. Horgan

Reg. No. 40,394

Tel. No. 408-474-9072

Correspondence Address:

Philips Electronics North America Corporation

1109 McKay Drive, M/S -41SJ

San Jose, CA 95131